

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JANE DOE NO. 55, by and through
JANE DOE'S MOTHER and
JANE DOE'S FATHER,

Plaintiff,

v.

MADISON METROPOLITAN
SCHOOL DISTRICT,

Defendant.

OPINION and ORDER

15-cv-570-bbc

In an order dated November 16, 2016, I granted defendant Madison Metropolitan School District's motion for summary judgment on plaintiff Jane Doe No. 55's claim that the district acted negligently and violated Title IX of the Education Amendments of 1972 by failing to prevent a district employee from sexually abusing plaintiff. Dkt. #92. After I denied her motion for reconsideration, dkt. #101, plaintiff filed a notice of appeal, dkt. #102. Now the district has filed a motion under Fed. R. App. P. 10 to exclude three documents from the appellate record. Dkt. #77 (2016 Investigative Report), dkt. #78 (Ptak Personnel File) and dkt. #79 (Ptak Health File). Because the parties did not rely on those documents in their summary judgment submissions, I did not rely on the documents in the summary judgment opinion and plaintiff does not oppose the district's motion, I will grant the motion.

ORDER

IT IS ORDERED that defendant Madison Metropolitan School District's motion to exclude docket nos. 77, 78 and 79 from the appellate record, dkt. #106, is GRANTED.

Entered this 25th day of April, 2017.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge